



“The mission of the Council is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet.”

Members

Tourism Group	June 15, 2020
Alaska Native Group	Pipeline and Hazardous Materials Safety Administration (PHMSA) Department of Transportation <i>Submitted via Federal eRulemaking Portal: www.regulations.gov</i>
Environmental Group	SUBJECT: Comments in response to Docket No. PHMSA-2018-0047
Recreation Group	Dear Sir or Madam: The Cook Inlet Regional Citizens Advisory Council (CIRCAC) submits the following comments on the Notice of Proposed Rule-making (NPRM), issued April 16, 2020, on behalf of our member entities. CIRCAC is mandated by Section 5002 of the Oil Pollution Act of 1990 to promote environmentally safe marine transportation and crude oil facility operations in Cook Inlet. We have reviewed the NPRM with this mission in mind. Overall, we appreciate the effort to enhance the regulatory clarity for all involved.
Aquaculture Associations	190.203 Inspections and Investigations Changes to this section would allow operators to provide digital files or submit information to PHMSA via online systems. We welcome these updated procedures and support PHMSA's clear language regarding the requirements that such submittals must meet in order to facilitate PHMSA review of the documentation necessary to oversee compliance.
Commercial Fishing Group	194.5 Definitions – National Contingency Plan (NCP) and Area Contingency Plan (ACP) The definitions in this section identify the NCP and ACP but do not include Regional Contingency Plans (RCP). This layer of government planning can contain information that is not in the ACP or NCP. For example, in Alaska it is the RCP that has the guidelines for dispersants and in-situ burning referenced in Section 194.107 General Response Plan Requirements.
City of Kodiak	194.5 Definitions – Contract or Other PHMSA-approved Means The definition seeks to clarify what methods are acceptable to document that an operator has access to adequate spill response resources. In addition to a contract with – or membership in – a certified Oil Spill Removal Organization (OSRO), the language allows for proof of active membership in a cooperative or mutual aid agreement. However, it also refers to other options being available. Please add language to identify what other options would be acceptable, aside from an operator owning and maintaining its own equipment.
City of Kenai	
City of Seldovia	
City of Homer	
Kodiak Island Borough	194.105 Worst Case Discharge PHMSA proposes to eliminate the requirement that operators report the largest historic discharge from a particular facility. The largest <i>actual</i> spill is unlikely to have been the largest <i>potential</i> (worst case) spill. However, as PHMSA explains, actual spill history provides useful context for an estimated worst case. The NPRM indicates that this information will still be available to PHMSA via other documentation submitted by the operator. If the operator must still maintain this information, then it should still be provided as part of the worst case discharge
Kenai Peninsula Borough	
Municipality of Anchorage	

analysis: there is no reason for PHMSA to seek this information elsewhere and it does not appear to be a burden on the operator to share the data if they are required to keep it.

194.119 Submission and Approval Procedures

PHMSA proposes to take from operators the responsibility to provide Facility Response Plans to the Federal On-Scene Coordinator (FOOSC) in the event of a spill. The stated reason is that PHMSA will have digital copies of the plans. However, while PHMSA having digital copies of the plans may be a useful backup, it should remain the operators' responsibility to provide their own digital copy of the plan documents to the FOOSC in the event of a spill from their facility. This responsibility is a minor "burden" as compared to the larger burden of the spill itself and aligns with the spiller's responsibilities in such a situation. This also ensures the most up-to-date version of the plan will be available to the FOOSC.

195.50 Reporting Accidents

Currently, accidents must be reported if they impact waters, result in injury or death, or damage more than \$50,000 in property. From the information provided by PHMSA in the NPRM, most accidents reported that cause more than the threshold for property damage also cause impacts to waters and/or injury/death. PHMSA proposes to increase the threshold for property damage-only reporting to \$118,000 based on inflation rates since the \$50,000 amount was set in the 1980s. We oppose this change. Changes in reporting thresholds impact the consistency of the dataset being collected by PHMSA and reduce its value for future risk analyses that may be conducted. Inflation has been occurring since the \$50,000 threshold was first established, and any such analysis of reported accidents could easily account for inflation across the decades without changing reporting requirements. Furthermore, such information could inform actions by PHMSA or the operator to prevent future spills. Since relatively few accidents are reported based only on the property damage threshold, it seems this reporting should not be a burden to operators.

Thank you for your attention to these comments. Please do not hesitate to contact me with questions at (907) 283-7222 (due to COVID-19 protocols please leave message) or via email at MikeMunger@circac.org.

Sincerely,


Michael Munger
Executive Director